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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,761	03/29/2001	Arnulf Simmon	108-102USANC0	6501
7590 09/20/2004			EXAMINER	
Thomas J. Perkowski, Esq., P.C. Soundview Plaza 1266 East Main Street Stamford, CT 06902			SHAAWAT, MUSSA	
			ART UNIT	PAPER NUMBER
			2128	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/821,761	SIMMON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mussa A Shaawat	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D.-11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) 1-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>28 February 2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to application number 09/821,761. Claims 1-21 are presented for examination.

#### ***Specification***

2. Abstract is objected to because of the improper language used. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### ***Claim Objections***

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 2-22 have been renumbered to 1-21.

4. Claim 7 is objected to because of the following informalities: claim 7 recites “data comprises information related a medical patient”, claim 7 should recite data comprises information related to a medical patient. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-11, and 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Auer et al. US patent No. (4725694) referred to hereinafter as Auer.

5. As per claim 1, Auer teaches a handheld portable data terminal having an integrated code reader for data entry and a graphical user interface for interacting with a user to enter user-supplied information, wherein the graphical user interface includes: multiple virtual regions (i.e. see boxes in figure 6, i.e. BP site, pulse etc.) displayed on a display screen (see figure 6 reference # 12), wherein each virtual region corresponds to an event identifier (see col.1 line26 “select action” where action=event, also note col.2 line 11 “windows” known to be virtual display regions); a touch screen for sensing location of user contact (see Abstract); and an event handler (see figure 7, reference # 32) for identifying one of the virtual regions (see “DETAIL” in figure 6) that corresponds to the location of user contact, determining a specific event identifier corresponding to the identified virtual region, and processing a predetermined sequence for the specific event identifier(i.e. show details) ( see col.1 lines 21-36 and col.4 line28, et seq.).

6. As per claim 2, Auer teaches a handheld portable data terminal of claim 1, further comprising a wireless communication interface (see figure 6) for communication with a remote computing device over a wireless communication channel (see figure 8, and col.2 lines 64-68).

7. As per claim 4, Auer teaches a handheld portable data terminal of claim 1, wherein the data comprises product information (see col.5 line 58, col.6 lines 10-22).

8. As per claim 5, Auer teaches a handheld portable data terminal of claim 1, wherein the data comprises information identifying a medical patient (see col.5 line 58, col.6 lines 10-22).

9. As per claim 6, Auer teaches a handheld portable data terminal of claim 1, wherein the data comprises information related to a medical patient, (see col.5 line 58, col.6 lines 10-22).

10. As per claim 7, Auer teaches a handheld portable data terminal of claim 6, wherein the data comprises one of personal information gathered upon admittance for care, information related to past medical history of the medical patient, and information related to vital statistics of the medical patient (see col.5 line 58, col.6 lines 10-22 and figure 9 reference # 71).

11. As per claim 8, Auer teaches a handheld portable data terminal of claim 7, wherein the vital statistics include one of systolic, diastolic, pulse, temperature and respiratory information (see col.5 line 58, col.6 lines 10-22 and figure 6 reference 3 12 “vitals” and related vitals such as Bp 130/80, TEMP, RESP etc.).

12. As per claim 9, Auer teaches a handheld portable data terminal of claim 1, further comprising a wireless communication interface (see figure 6) that operably couples the data terminal (see figure 9 reference # 71) to a remote computer (see figure 9) and associated information database via a wireless communication channel (see col.2 lines 64-68).

13. As per claim 10, Auer teaches a handheld portable data terminal of claim 9, further comprising local memory (see figure 8 reference # 52, col.3 line 35 "all known computer elements" includes local memory) storing information loaded from the information database via the wireless communication interface (see figure 6 "NAME", as an example).

14. As per claim 11, Auer teaches a handheld portable data terminal of claim 9, wherein the user-supplied information (see col. 1 lines 10-35) is communicated to the remote computer over the wireless communication interface for storage in the information database (see col.1 line 39-et seq.).

15. As per claim 12, Auer teaches a handheld portable data terminal of claim 9, further comprising a message notification mechanism that notifies the user of receipt of message from the other computing device over the wireless communication channel.

16. As per claim 13, Auer teaches a handheld portable data terminal of claim 12, wherein the message notification mechanism generates one of an audio signal, video signal and vibration signal.

17. As per claim 14, Auer teaches a handheld portable data terminal of claim 1, wherein the graphical user interface further comprises a virtual keypad displayed on the display screen for entering symbols associated with keys of the keypad (see figure 4 for virtual keypad).

18. As per claim 15, Auer teaches a handheld portable data terminal of claim 1, wherein the graphical user interface further comprises at least one scroll bar displayed on the display screen (see col.2 line 11 "windows" which were known to have scroll bars that provide the same functions of "next" just above reference # 31 in figure 6 oblique right to "menu each one of multiple of icons").



19. As per claim 16, Auer teaches a handheld portable data terminal of claim 1, wherein the graphical user interface further comprises at least one scroll bar format and a rolling key format (see col.2 line 11 "windows" which were known to have scroll bars that provide the same functions of "next" just above reference # 31 in figure 6 oblique right to "menu each one of multiple of icons").

20. As per claim 17, Auer teaches a handheld portable data terminal of claim 1, wherein the graphical user interface further comprises a menu screen and a graphing screen, wherein each selection from the menu screen corresponds to a virtual region and an associated processing sequence (see col.2 line 11 "windows" which were known to have scroll bars that provide the same functions of "next" just above reference # 31 in figure 6 oblique right to "menu each one of multiple of icons").

21. As per claim 18, Auer teaches a handheld portable data terminal of claim 1, wherein each virtual region of the graphical user interface corresponds to a predefined processing sequence, which is initiated by the user by contacting the associated virtual region (see col.1 line 26 "select actions").

22. As per claim 19, Auer teaches a handheld portable data terminal of claim 18, wherein the predefined processing sequence involves one of a data entry operation, a data transmit operation that communicates data stored thereto to another computing device, and a code scan operation for data entry (see col.1 lines 28-31 specifically "processing" and "movement" which is interpreted as transmit).

23. As per claim 20, Auer teaches a handheld portable data terminal of claim 16, wherein the graphical user interface further comprises a display screen displaying multiple icons (see col.2



line 11 "windows" which were known to have scroll bars that provide the same functions of "next" just above reference # 31 in figure 6 oblique right to "menu each one of multiple of icons").

24. As per claim 21, Auer teaches a handheld portable data terminal of claim 1, wherein the graphical user interface comprises a text input mechanism that enables the user to enter at least a portion of a desired text data, that automatically searches data stored in memory to retrieve text data closest to the portion of desired text data entered, and displays the retrieved text data on the display screen (clearly text could be entered per figures 4 and 7, one of such was calling up a patient by name (i.e., "Macoll, Dorothy" of figure 6 top left), and thus such searching was inherently required and anticipated by Auer's system).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auer et al. US patent No. (4,725,694) referred to hereinafter as Auer in view of Zook et al. US Patent No. (4,850,009) referred to hereinafter as Zook.

25. As per claim 3, Auer teaches a handheld portable data terminal of claim 1 (see figure 8 where the handheld device contained a computer which was known to be a computing device). Though Auer taught that his system supplements other well-known portable computers for data

entry (see col.1 line 10-35), he does not explicitly teach a code reader comprising of an optical bar code reader.

Zook teaches an optical bar code reader (see Abstract). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teachings of the Auer and the Zook to create a handheld portable data terminal having an integrated code reader for data entry because it provides an efficient method to enter data into a computer or any other system.

26. As per claim 12, Auer teaches a handheld portable data terminal (see figure 8 where the handheld device contained a computer which was known to be a computing device), however he does not teach a message notification mechanism.

Zook teaches a message notification system (see col.10 lines 51-52). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teachings of the Auer and the Zook to create a handheld portable data terminal having a message notification system because it gives the operator precautions in case the system malfunctions.

27. As per claim 13, claim 13 contains the same limitation of claim 12; therefore it is rejected based on the same rationale, supra.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Day, Jr. et al. US Patent No. (4,763,356) Touch screen form entry system.
- Gombrich US Patent No. (4,916,441) Portable handheld terminal.


*Communication*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A Shaawat whose telephone number is (703) 605-1372. The examiner can normally be reached on Monday-Friday (8:30am to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R Homere can be reached on (703) 308-6647. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mussa Shaawat  
Examiner  
August 27, 2004

  
JEAN R. HOMERE  
PRIMARY EXAMINER